

ROAD PETITION No. 773
ELLIS STREET

Granted Oct. 3, 1995

BOOK 43 PAGE 390

RECEIVED
Date 9-1-95
Clerk & Recorder
Gallatin County, Mont

PETITION TO ABANDON COUNTY ROAD
(APPENDIX A)

TO: THE BOARD OF COUNTY COMMISSIONERS, GALLATIN COUNTY, MONTANA

COME NOW the undersigned freeholders of the road district of Gallatin County, Montana, and petition this board pursuant to Section 7-14-2601, MCA, to abandon a county road located in Gallatin County, Montana and represent as follows:

1. The road to be abandoned is particularly described as follows: That portion of Ellis Street that lies in the
SE 1/4 of Section 8, T2S, R6E and is more particularly
shown on attachment "A".

(Attach additional page if required).

2. The road is commonly known as: Ellis Road

3. The general route of the road is described as follows:

See Attachment "A"

4. The lands and owners immediately adjacent to the road are:

<u>LANDOWNER(S)</u>	<u>MAILING ADDRESS</u>
1. <u>Robert C. & Marcia A. Pearson</u> <i>Robert C. Pearson</i> <i>Marcia A. Pearson</i>	<u>110 Sunset Blvd., Bozeman, MT 59</u>
<u>See description shown on Exhibit "A"</u>	

PROPERTY DESCRIPTION
2. _____

PROPERTY DESCRIPTION
3. _____

PROPERTY DESCRIPTION

5. Except for the following landowners the landowners identified in Section 3 consent to the abandonment: (If any of the adjacent landowners do not consent identify them in this paragraph)

N/A

6. If a landowner stated in Paragraph 3 cannot be found to determine the landowner's consent, identify the landowner and state the efforts made to locate the landowner:

N/A

7. To the best of our knowledge the following are landowners, who do not own land immediately adjacent to the road, but who could be affected by the abandonment of the road:

LANDOWNER(S)

MAILING ADDRESS

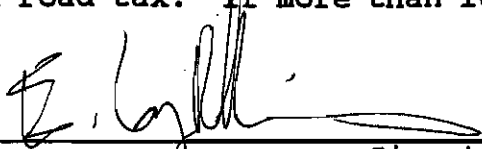


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N/A

(Use additional pages if required)

8. The necessity for and advantage of the abandonment of the road are as follows: To reconcile records with MDOT project number FAP-I-IG-90-6U923) 304-35-44 and existing improvements (Klondike Professional Center 12/1983)

The undersigned state that they are owners of real property in the Gallatin County road district which is taxable for the county general road tax. If more than 10 freeholders sign, use additional pages.

1. ✓  4550 JOHNSON RD
Signature Address
E. LYNN ROBBINS BOZEMAN MT 59715
Printed Name City, State & Zip
8/10/95
Date
Personal Residence
Description of Property
2. ✓  5195 Copeland Lane
Signature Address
Russ Squire Bozeman MT 59715
Printed Name City, State & Zip
8/28/95
Date
personal residence
Description of Property
3. ✓  320 Little Bear Spur
Signature Address
PAGE DABNEY 602. GRAY, MT 59730
Printed Name City, State & Zip
8/28/95
Date
Personal Residence
Description of Property

4. ✓ Phillip M. Smith Signature 9601 FOREST CR. DR. Address
Phillip G. SMITH Printed Name BOZEMAN MT 59715 City, State & Zip
8-28-95 Date

PERSONAL RESIDENCE

5. X
No Brenda L. Hurless Signature 408 B.W. Central Description of Property Address
Brenda L. Hurless Printed Name Bulgrade MT 59714 City, State & Zip
8-28-95 Date

Personal Residence

6. X
No Estela Villaseñor Signature 9650 Hyalite Canyon Description of Property Address
Estela Villaseñor Printed Name Bozeman City, State & Zip
1 September '95 Date

personal residence

7. ✓ Marion B. Lewis Signature 550 Little Bear Rd. Description of Property Address
MARION B. LEWIS Printed Name Callatin Gateway Mt. City, State & Zip 59730
9/1/95 Date

personal residence

Description of Property

8. ✓ Scott Harvey Signature 420 LITTLE BEAR Rd Address
SCOTT HARVEY Printed Name GALLATIN CANYON MT 59830 City, State & Zip
9/1/95 Date
Personal Residence

9. ✓ Phillip Rothman Signature 7844 Bridger Canyon Rd Address
Phillip Rothman Printed Name Bozeman MT City, State & Zip
9-1-95 Date
Description of Property

10. ✓ Gene Cook Signature 7675 River Rd. Address
Gene Cook Printed Name Bozeman, MT 59715 City, State & Zip
9/1/95 Date
Personal Residence

11. ✓ Thomas N. Millison Signature 911 Alpine Way Address
Thomas N. Millison Printed Name Bozeman MT City, State & Zip
9-1-95 Date
Personal Residence

Description of Property

12. ✓

Thomas Gammack
Signature

9700 FOREST CREEK DR.
Address

THOMAS G. GAMMACK
Printed Name

BOZEMAN, MT 59715
City, State & Zip

Sept. 5, 1995
Date

PERSONAL RESIDENCE

Description of Property

13.

Signature

Address

Printed Name

City, State & Zip

Date

Description of Property

14.

Signature

Address

Printed Name

City, State & Zip

Date

Description of Property

EXHIBIT A

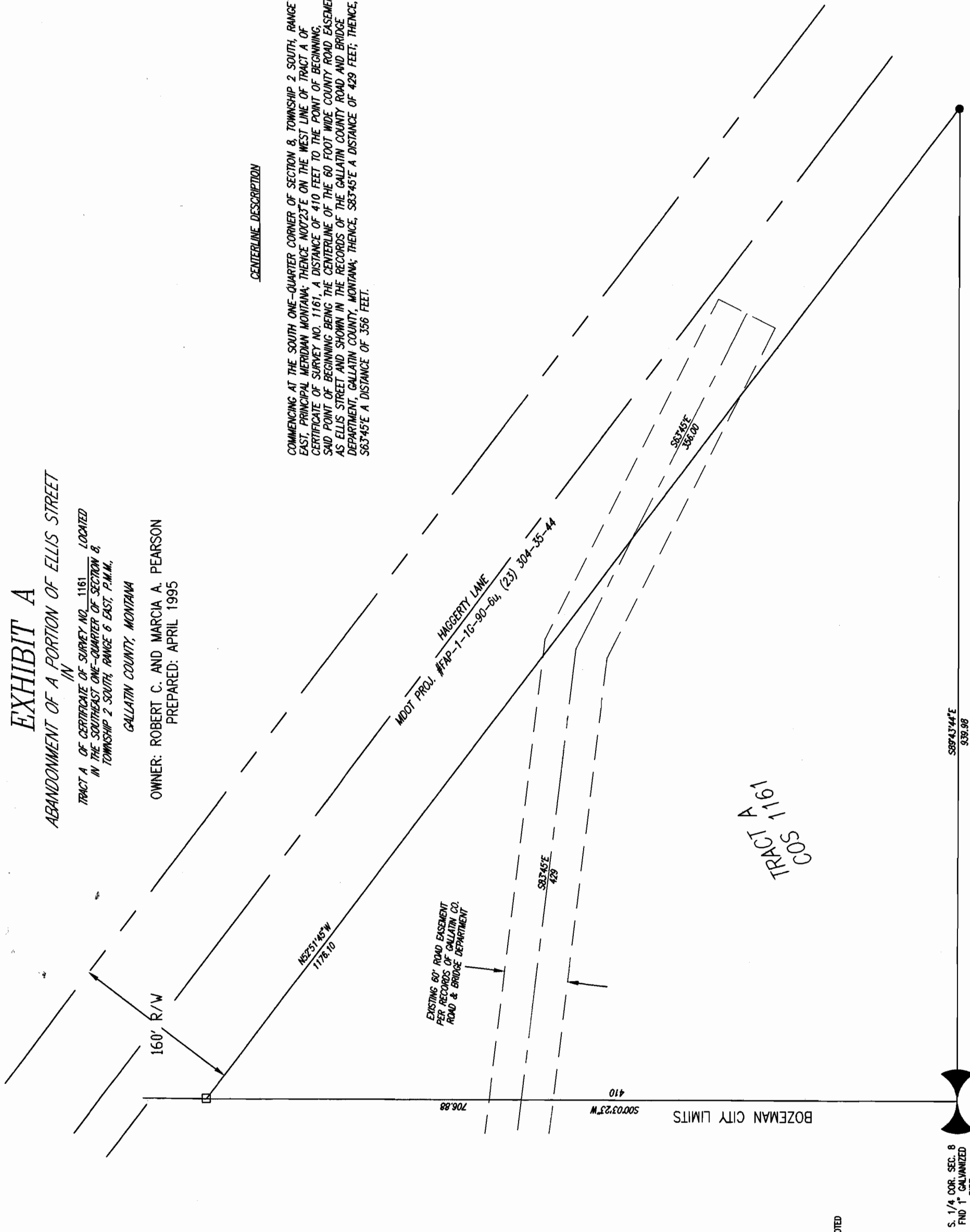
ABANDONMENT OF A PORTION OF ELLIS STREET

TRACT A OF CERTIFICATE OF SURVEY NO. 1161 LOCATED
IN THE SOUTHEAST ONE-QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 6 EAST, P.M.M.,
GALLATIN COUNTY, MONTANA

OWNER: ROBERT C. AND MARCIA A. PEARSON
PREPARED: APRIL 1995

CENTERLINE DESCRIPTION

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 6 EAST, PRINCIPAL MERIDIAN MONTANA; THENCE N07°23'E ON THE WEST LINE OF TRACT A OF CERTIFICATE OF SURVEY NO. 1161, A DISTANCE OF 410 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING THE CENTERLINE OF THE 60 FOOT WIDE COUNTY ROAD EASEMENT KNOWN AS ELLIS STREET AND SHOWN IN THE RECORDS OF THE GALLATIN COUNTY ROAD AND BRIDGE DEPARTMENT, GALLATIN COUNTY, MONTANA; THENCE, S83°45'E A DISTANCE OF 429 FEET; THENCE, S63°45'E A DISTANCE OF 356 FEET.



NOTES:

● BASIS OF BEARING: COS NO. 1161

○ FOUND REBAR W/ YPC UNLESS OTHERWISE NOTED

□ 4"x4" CONCRETE R/W MONUMENT FOUND

S. 1/4 COR. SEC. 8
FND 1" GALVANIZED
PIPE

ELLIS ROAD ABANDONMENT MAP
KLONDIKE DEVELOPMENT
BOZEMAN, MT

KERIN & ASSOCIATES
CONSULTING ENGINEERS/PLANNERS
219 E. MENDENHALL BOZEMAN, MONTANA 59715



DRAWN BY: CTS
SCALE: NO SCALE
DATE: 08/07/95

EXHIBIT
"A"

Pet # 773

CHECKLIST OF PROCEDURES FOR ROAD PETITIONS

Original signed petition must be submitted to the Clerk and Recorder along with a map showing the area of the road under consideration. Get name and phone number of someone to contact for questions.

NAME DAB DABNEY PHONE 585-7208

- 1) Determine if there are sufficient qualified signatures.
- 2) Complete "Report of Qualified Signatures".
- 3) If there are adequate signatures, type regular mail envelopes for:
 - A) All landowners named in the petition.
 - B) All signers of the petition.
 - C) All individuals named in the petition who could be affected by the petition.
 - D) The postmaster for the area.
 - E) The Public Lands Access Association.
- 4) Type and prepare certified mail envelopes for:
 - A) All owners of land abutting the road.
 - B) All individuals named in petition who could be affected by the abandonment.
 - C) Postmaster for the area.
 - D) Public Lands Access Association.
- 5) Schedule petition on Commissioner's agenda. DATE 9-12-95
- 6) Commissioners receive petition and assign viewing committee.
- 7) Viewing committee completes road report.
- 8) Schedule public hearing on Commissioner's agenda and prepare "Notice of Public Hearing". 9-26
- 9) Publish "Notice of Public Hearing" one time.
- 10) Send a copy of the viewing committee report and public hearing notice:
 - A) by regular mail to persons that envelopes were prepared for in 3).
 - B) the County Road Superintendent w/copy of petition
 - C) the County Attorney along with a copy of the petition
 - D) the Commissioners along with a copy of the petition
- 11) Prepare affidavit of mailing for petition file.
- 12) Commissioners hold public hearing to (grant) or deny petition. 9-26-95
- 13) County Attorney drafts resolution for Commissioners to consider at the next public hearing
- 14) Commissioners pass resolution. 10-3-95
- 15) A copy of the resolution must be sent, within 10 days of passage, by CERTIFIED MAIL to all persons envelopes were typed for in 4). 10-6-95
- 16) Type affidavit of mailing for the petition file.
- 17) If petition is granted, a certified copy of the resolution must be recorded. 10-5-95
- 18) If the petition is granted, a copy of the resolution is sent to the Assessor's office.

State of Montana

County of Gallatin

Bozeman



September 15, 1995

Board of County Commissioners
Gallatin County Courthouse
Bozeman, Montana

RE: Ellis Road

Dear Board,

On September 12, 1995, the County Commissioners appointed the undersigned as viewing committee to consider a road petition to abandon a portion of Ellis Road according to Road Petition #773.

On August 3, 1995, the viewing committee viewed this area according to Road Petition #771. That road petition was withdrawn by the applicant on August 8, 1995, and resubmitted as Road Petition #773.

On August 3rd the viewing committee was able to locate a stake on the NE corner of the County right-of-way and Haggerty Lane and a mail box which is approximately at the intersection of the NE corner of paved Ellis Road and the County right-of-way. Stakes were also located on the state right-of-way of Haggerty Lane.

The viewing committee was concerned that the Molendyk property located south of Tract A could become land-locked if the petition were granted.

On August 7, 1995, the viewing committee met with Mr. Paul Cook, Surveyor with Kerrin and Associates, to discuss the road petition. Mr. Cook stated that their client was in the process of minor subdivision approval with the Bozeman City/County Planning Department and that they would show access to the Molendyk property on the plat.

On September 12, 1995, the viewing committee met to discuss the new petition. Sam Gianfrancisco explained that he has reviewed both the building permit application and the preliminary plat of the minor subdivision. Both of these documents show the new Ellis Road as being dedicated to the public.

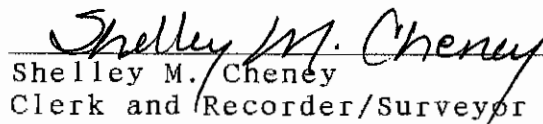
It does not appear that anyone would be denied access to public lands if this petition to abandon were granted.

Page 2 continued

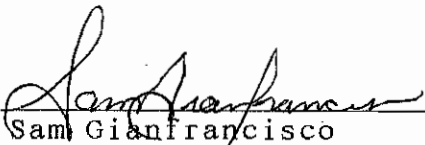
Sincerely,



Phil Olson
County Commissioner



Shelley M. Cheney
Clerk and Recorder/Surveyor



Sam Gianfranco
County Road Superintendent

State of Montana

County of Gallatin

Bozeman



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a petition to abandon a portion of roadway has been submitted to the Board of County Commissioners of Gallatin County, Montana, for consideration.

Petitioners are requesting that a portion of Ellis Road be abandoned as stated in Road Petition #773. The legal description is as follows:

That portion of Ellis Street that lies in the SE 1/4 of Section 8, T2S, R6E, P.M.M., Gallatin County, Montana, commencing at the South 1/4 corner of said section, township, and range; thence N 00 degrees 23 seconds east on the west line of Tract A of COS 1161, a distance of 410 feet to the point of beginning, said point of beginning being the centerline of the 60 foot wide county road easement known as Ellis Street and shown in the records of the Gallatin County Road and Bridge Department, Gallatin County, Montana; thence S 83 degrees 45 minutes east a distance of 429 feet; thence S 63 degrees 45 minutes east a distance of 356 feet.

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on September 26, 1995, at 1:30 P.M., in the Community Room, 3rd Floor of the Gallatin County Courthouse, 311 W. Main, Bozeman, Montana, at which time public opinion may be heard. All interested parties are encouraged to attend.

Further information may be obtained from Gallatin County Commissioners Jane Jelinski, Kris Dunn, or Phil Olson, 311 W. Main, Room 301, Bozeman, Montana, 59715, telephone 582-3000.

Dated this 18th day of September, 1995.

Shelley M. Cheney

Shelley M. Cheney
Clerk and Recorder
Gallatin County, Montana

State of Montana

County of Gallatin

Bozeman



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Dated this 18th day of September, 1995.

Shelley M. Cheney

Shelley M. Cheney
Clerk and Recorder
Gallatin County, Montana

Please bill: Clerk and Recorder

Please publish: September 21, 1995

GLTN CTY TREASURER

(AUTO)

DATE	START TIME	REMOTE TERMINAL IDENTIFICATION	TIME	RE-SULTS	MODE	TOTAL PAGES	PERSONAL LABEL	FILE NO.
SEP 18	02:51PM	CHRONICLE	00'31"	OK	ES	01	ACCT CLERK/REC ELECT	001

E)ECM >)REDUCTION S)STANDARD @)FORWARDING M)MEMORY C)CONFIDENTIAL #)BATCH
D)DETAIL \$)TRANSFER
F)FINE P)POLLING

State of Montana

County of Gallatin

Bozeman



AFFIDAVIT OF MAILING

STATE OF MONTANA)
)SS
COUNTY OF GALLATIN)

SHELLEY M. CHENEY, BEING FIRST DULY SWORN ON OATH, deposes and says:

That she is the duly elected, qualified and acting County Clerk and Recorder of Gallatin County, Montana.

I certify that a true and correct copy of the board's decision on road petition No. 773 was mailed by certified mail to all owners of land abutting on the road, street, or alley abandoned or discontinued.

Dated this 6th day of October , 1995.

Shelley M. Cheney

SHELLEY M. CHENEY
CLERK AND RECORDER
GALLATIN COUNTY, MONTANA

RESOLUTION NO. 1995- 50

DECISION CONCERNING PETITION TO ABANDON COUNTY ROAD

NAME OF COUNTY ROAD: A Portion of Ellis Street

THIS RESOLUTION was introduced by Jane Jelinski, Commissioner, moved by Jane Jelinski, Commissioner, and seconded by Phil Olson, Commissioner. The resolution was passed unanimously and adopted.

WHEREAS, a Petition to Abandon County Road was filed on September 1, 1995, requesting that portion Ellis Street that lies in the SE 1/4 of Section 8, T2S, R6E, P.M.M., Gallatin County, Montana commencing at the South 1/4 corner of said section, township and range; thence N 00 degrees 23 seconds east on the west line of Tract A of COS 1161, a distance of 410 feet to the point of beginning, said point of beginning being the centerline of the 60 foot wide county road easement known as Ellis Street and shown in the records of the Gallatin County Road and Bridge Department, Gallatin County, Montana; thence S 83 degrees 45 minutes east a distance of 429 feet; thence S 63 degrees 45 minutes east a distance of 356 feet be abandoned; and

WHEREAS, the Gallatin County Clerk and Recorder reported to the Gallatin County Commissioners on September 5, 1995, that the petition contained sufficient signatures as required by Section 7-14-2601, MCA; and

WHEREAS, on September 12, 1995, the Gallatin County Commissioners appointed a committee consisting of one county commissioner, the county surveyor and road supervisor to investigate the feasibility and desirability of abandoning the road; and

WHEREAS, on September 26, 1995, the Gallatin County Commissioners conducted a public hearing, after notice, on the petition and the results of the investigation.

NOW, THEREFORE BE IT RESOLVED:

1. Based on the petition, results of the investigation and information presented at the public hearing the Gallatin County Commissioners conclude that the decision made herein is in the best interests of the county and feasible and desirable for the use, would benefit of the public and not land lock any other land.

2. The following road, as requested in the Petition to Abandon County Road, is abandoned:

Name of Road: a portion of Ellis Street

Described as follows: that portion Ellis Street that lies in the SE 1/4 of Section 8, T2S, R6E, P.M.M., Gallatin County, Montana

commencing at the South 1/4 corner of said section, township and range; thence N 00 degrees 23 seconds east on the west line of Tract A of COS 1161, a distance of 410 feet to the point of beginning, said point of beginning being the centerline of the 60 foot wide county road easement known as Ellis Street and shown in the records of the Gallatin County Road and Bridge Department, Gallatin County, Montana; thence S 83 degrees 45 minutes east a distance of 429 feet; thence S 63 degrees 45 minutes east a distance of 356 feet

3. Within ten (10) days from the date that this resolution is adopted the Clerk and Recorder shall send a copy of this resolution by certified mail to all owners of land abutting on the road. The owners shall be those listed on the last county assessment roll.

4. The Clerk and Recorder shall notify the county road supervisor by furnishing a certified copy of this resolution to the supervisor.

DATED this 3rd day of October, 1995.

BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY

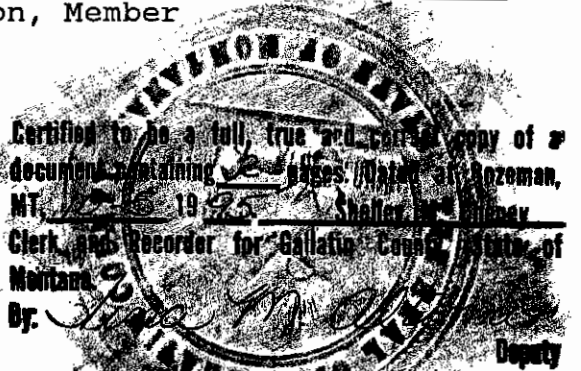
Kris Dunn
Kris Dunn, Chair

Jane Jelinski
Jane Jelinski, Member

Phil Olson
Phil Olson, Member

ATTEST:

Shelley M. Cheney
SHELLEY CHENEY
Clerk and Recorder



INDEXED
PLATED

312888

State of Mont., County of Gallatin. ss Filed for record 2 OCTOBER 5, 19 95
at 4:24 P M., and recorded in Book 157 of MISCELLANEOUS page 393
Shelley M. Cheney Recorder. By Mary Ammon Deputy

P 787 054 743



Certified Mail Receipt

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Road Pet. #773

Sent to Robert C. & Marcia A. Pearson	
Street & No. 110 Sunset Blvd.	
P.O., State & ZIP Code Bozeman, MT 59715	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1990

P 787 054 745



Certified Mail Receipt

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Rd. Pet #773

Sent to Public Lands Access Assoc. c/o Monty Cooper	
Street & No. 611 W. Main	
P.O., State & ZIP Code Bozeman, MT 59715	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1990

P 787 054 744



Certified Mail Receipt

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Road Pet. #773

Sent to Postmaster	
Street & No. Federal Building	
P.O., State & ZIP Code Bozeman, MT 59715	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1990